

**ESB 6261** - H COMM AMD

By Committee on Local Government & Housing

ADOPTED AND ENGROSSED 3/4/10

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read as follows:

(1) Prior to furnishing utility services, a city or town may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by RCW 35.21.290 or 35.67.200. A city or town may determine how to apply partial payments on past due accounts.

(2) A city or town may provide a real property owner or the owner's designee with duplicates of tenant utility service bills, or may notify an owner or the owner's designee that a tenant's utility account is delinquent. However, if an owner or the owner's designee notifies the city or town in writing that a property served by the city or town is a residential rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the city or town shall notify the owner or the owner's designee of a residential tenant's delinquency at the same time and in the same manner the city or town notifies the tenant of the tenant's delinquency or by mail, and the city or town is prohibited from collecting from the owner or the owner's designee any charges for electric light or power services more than four months past due. When a city or town provides a real property owner or the owner's designee with duplicates of residential tenant utility service bills or notice that a tenant's utility account is delinquent, the city or town shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee.

(3) After (~~January 1, 1999~~) August 1, 2010, if a city or town fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information

1 required by this subsection, the city or town shall have no lien  
2 against the premises for the residential tenant's delinquent and unpaid  
3 charges and is prohibited from collecting the tenant's delinquent and  
4 unpaid charges for electric light or power services from the owner or  
5 the owner's designee.

6 (4) When a utility account is in a tenant's name, the owner or the  
7 owner's designee shall notify the city or town in writing within  
8 fourteen days of the termination of the rental agreement and vacation  
9 of the premises. If the owner or the owner's designee fails to provide  
10 this notice, a city or town providing electric light or power services  
11 is not limited to collecting only up to four months of a tenant's  
12 delinquent charges from the owner or the owner's designee, provided  
13 that the city or town has complied with the notification requirements  
14 of subsection (3) of this section.

15 (5)(a) If an occupied multiple residential rental unit receives  
16 utility service through a single utility account, if the utility  
17 account's billing address is not the same as the service address of a  
18 residential rental property, or if the city or town has been notified  
19 that a tenant resides at the service address, the city or town shall  
20 make a good faith and reasonable effort to provide written notice to  
21 the service address of pending disconnection of electric power and  
22 light or water service for nonpayment at least seven calendar days  
23 prior to disconnection. The purpose of this notice is to provide any  
24 affected tenant an opportunity to resolve the delinquency with his or  
25 her landlord or to arrange for continued service. If requested, a city  
26 or town shall provide electric power and light or water services to an  
27 affected tenant on the same terms and conditions as other residential  
28 utility customers, without requiring that he or she pay delinquent  
29 amounts for services billed directly to the property owner or a  
30 previous tenant except as otherwise allowed by law and only where the  
31 city or town offers the opportunity for the affected tenant to set up  
32 a reasonable payment plan for the delinquent amounts legally due. If  
33 a landlord fails to pay for electric power and light or water services,  
34 any tenant who requests that the services be placed in his or her name  
35 may deduct from the rent due all reasonable charges paid by the tenant  
36 to the city or town for such services. A landlord may not take or  
37 threaten to take reprisals or retaliatory action as defined in RCW

1 59.18.240 against a tenant who deducts from his or her rent payments  
2 made to a city or town as provided in this subsection.

3 (b) Nothing in this subsection (5) affects the validity of any lien  
4 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town  
5 that provides electric power and light or water services to a  
6 residential tenant in these circumstances shall retain the right to  
7 collect from the property owner, previous tenant, or both, any  
8 delinquent amounts due for service previously provided to the service  
9 address if the city or town has complied with the notification  
10 requirements of subsection (3) of this section when applicable.

11 **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to  
12 read as follows:

13 Except as provided in RCW 35.21.217(4), cities and towns owning  
14 their own waterworks, or electric light or power plants shall have a  
15 lien against the premises to which water, electric light, or power  
16 services were furnished for four months charges therefor due or to  
17 become due, but not for any charges more than four months past due((÷  
18 PROVIDED, That the owner of the premises or the owner of a delinquent  
19 mortgage thereon may give written notice to the superintendent or other  
20 head of such works or plant to cut off service to such premises  
21 accompanied by payment or tender of payment of the then delinquent and  
22 unpaid charges for such service against the premises together with the  
23 cut off charge, whereupon the city or town shall have no lien against  
24 the premises for charges for such service thereafter furnished, nor  
25 shall the owner of the premises or the owner of a delinquent mortgage  
26 thereon be held for the payment thereof)) ."

27 Correct the title.

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